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UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

INTERNATIONAL CHURCH OF THE  
FOURSQUARE GOSPEL

Plaintiff,

v.

CITY OF SAN LEANDRO, TONY  
SANTOS (in his official capacity),  
SURLENE G. GRANT (in her official  
capacity), DIANA M. SOUZA (in her  
official capacity), JOYCE R.  
STAROSCIAK (in her official capacity),  
BILL STEPHENS (in his official capacity),  
JIM PROLA (in his official capacity),  
JOHN JERMANIS (in his official and  
individual capacities), DEBBIE POLLART  
(in her official and individual capacities),  
DOES 1-50.

Defendants.

FAITH FELLOWSHIP FOURSQUARE  
CHURCH,

Real Party in Interest.

Case No. C 07-03605 PJH

REQUEST FOR JUDICIAL NOTICE IN  
SUPPORT OF CITY DEFENDANTS'  
MOTIONS TO DISMISS; EXHIBITS 1-7

Honorable Phyllis J. Hamilton  
Complaint Filed: 7/12/07

Hearing:

Date: October 31, 2007  
Time: 9:00 a.m.  
Courtroom: 3

1 TO ALL PARTIES AND THEIR ATTORNEYS OF RECORD:

2 Defendants City of San Leandro, City Manager John Jermanis, former Planning  
3 Manager Debbie Pollart, Mayor Tony Santos, and City Councilmembers Surlene G. Grant,  
4 Diana M. Souza, Joyce R. Starosciak, Bill Stephens, Jim Prola (collectively “the City  
5 defendants”) hereby request that this Court take judicial notice of the matters set forth in  
6 Exhibits 1-7 attached hereto in support of (1) the Motion of Defendants City of San Leandro,  
7 Mayor Tony Santos, and City Councilmembers Surlene G. Grant, Diana M. Souza, Joyce R.  
8 Starosciak, Bill Stephens and Jim Prola to Dismiss Complaint, and (2) the Motion of  
9 Defendants City Manager John Jermanis and former Planning Manager Debbie Pollart to  
10 Dismiss Complaint, both filed concurrently.

11 Pursuant to the Federal Rules of Evidence, Rule 201, a Court may take judicial notice  
12 of undisputed matters of public record, including records and reports of administrative bodies;  
13 or legislative history of laws, rules or ordinances. *See Lee v. City of Los Angeles*, 250 F.3d  
14 668, 689 (9th Cir. 2001) citing *Mack v. South Bay Beer Distributors, Inc.*, 798 F.2d 1279,  
15 1282 (9th Cir. 1986).

16 The City defendants request that this Court take judicial notice of the following  
17 exhibits:

18  
19 Exhibit 1 San Leandro Zoning Code, Article 5 Residential Districts 9 (excerpts)

20 Exhibit 2 San Leandro Zoning Code, Article 7 Industrial Districts (excerpts)

21 Exhibit 3 San Leandro Zoning Code, Article 3 Definitions (excerpts)

22 Exhibit 4 San Leandro Zoning Code, Article 13 Special Review Overlay District

23 Exhibit 5 San Leandro Zoning Code, Article 22 Use Permits, Variances, and Parking  
24 Exceptions (excerpts)

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1 Exhibit 6 Ordinance No. 2007-005 An Ordinance Of The City of San Leandro Amending  
2 San Leandro Zoning Code: Part I, Article 3, Deleting Definitions For 'Clubs &  
3 Lodges' And 'Religious Assembly' And Adding A New Definition For  
4 'Assembly Uses'; Part II, Article 5, Amending Sections 2-504, 2-506, 2-508  
5 and 2-510 For Consistency With New Definitions; Part III, Amending Article  
6 13; and Part IV, Article 17, Amending Section 4-1704, April 2, 2007

7 Exhibit 7 Ordinance No. 2007-006 An Ordinance Of The City Of San Leandro Zoning  
8 Certain Properties Herein Described As To Zoning With An Assembly Use  
9 Overlay District And Amending Zoning Map For 196 Identified Properties,  
10 April 2, 2007  
11

12 Dated: September 20, 2007 MEYERS, NAVE, RIBACK, SILVER & WILSON  
13

14 By \_\_\_\_\_/s/\_\_\_\_\_  
15 DEBORAH J. FOX  
16 Attorneys for City Defendants  
CITY OF SAN LEANDRO, *et al.*

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